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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,154	10/16/2003	David S. Benco	LUC-438/Benco 33-24-24-27	6638
47382	7590	07/10/2006	EXAMINER	
CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			LA, NICHOLAS T	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/687,154		BENCO ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Nicholas T. La		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The applicant discloses in the added limitation "irrespective of a location of the mobile handset" in independent claims 1, 9, and 16. The specification does not have sufficient writing to teach such invention. Correction is required.

### ***Claim Objections***

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**Claim 22** is objected to because of the following informalities: Claim 9 is recited as a dependent claim of claim 9; however, claim 9 is a method claim versus claim 22 is a system claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

1) **Claims 1-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant discloses in the added limitation "irrespective of a location of the mobile handset" in independent claims 1, 9, and 16. The specification does not have sufficient writing to teach such invention. Correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**2) Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over An et al. (US Pub. No. 2002/0077062) and further in view of Seshadri et al. (US Pub. No. 2004/0002958).

Regarding **claim 1**, An et al. teaches an information service system and operation method thereof. An et al. further discloses a method for input of events to a network operatively connected to a public data network communication system and subsequent event notification to at least one mobile handset, comprising the steps of:

detecting an occurrence of an event on a public data network communication system (Figure 3, 4A, 4B; paragraph [0049]);

automatically creating an SMS message (Figure 3, 4A, 4B; paragraph [0049]); and

automatically delivering the SMS message to a designated mobile handset (Figure 3, 4A, 4B; paragraph [0049]).

However, An et al. does not teach expressly a system to delivering the SMS message to a designated mobile handset irrespective of a location of the mobile handset. In an analogous art, Seshadri et al. teaches a system to delivering the SMS message to a designated mobile handset irrespective of a location of the mobile handset (Figure 1, 2, 8, 11; paragraph [0067]-[0072]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify An et al. to include delivering the SMS message to a designated mobile handset irrespective of a location of the mobile

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handset in order to facilitating notification services via a notification architecture that is highly scalable and can handle a large volume of queries with respect to a plurality of disparate subscription service providers and subscribers.

Regarding **claim 9**, An et al. further discloses a method for input of events and subsequent event notification to at least one mobile handset, comprising the steps of:

inputting to a network a computer generated message that is related to an event (Figure 1, 3; paragraph [0043]-[0045]);

converting the computer generated message to a notification message in SMS form (paragraph [0043]-[0049]); and

automatically sending the notification message in SMS form from the network to at least one mobile handset (paragraph [0049]).

However, An et al. does not expressly teach a system to delivering the SMS message to a designated mobile handset irrespective of a location of the mobile handset. In an analogous art, Seshadri et al. teaches a system to delivering the SMS message to a designated mobile handset irrespective of a location of the mobile handset (Figure 1, 2, 8, 11; paragraph [0067]-[0072]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify An et al. to include delivering the SMS message to a designated mobile handset irrespective of a location of the mobile handset in order to facilitating notification services via a notification architecture

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that is highly scalable and can handle a large volume of queries with respect to a plurality of disparate subscription service providers and subscribers.

Regarding **claim 16**, An et al. further discloses a system for input of events and subsequent event notification to at least one mobile handset, comprising:

- a network operatively connected to at least a public data network communication system and to at least one mobile handset (Figure 1, 3; paragraph [0027]-[0029]);

- the network having an input module operatively connected to the public data network communication system (paragraph [0041]-[0044]);

- the network having a conversion module operatively connected to the input module (Figure 2; paragraph [0038]-[0043]); and

- the network having a communication module operatively connected to the conversion module and to the at least one mobile handset (Figure 2; paragraph [0038]-[0039]);

wherein when a computer generated message, which is related to an event, is inputted from the public data network communication system, the computer generated message is converted to a notification message in SMS form, and the notification message is automatically sent in SMS form from the network to the at least one mobile handset (Figure 1, 3; paragraph [0043]-[0049]).

An et al. further teaches communication with respective mobile station over a mobile communication network (paragraph [0049]), however, does not expressly teach a mobile handset irrespective of a location of the mobile handset. In an analogous art, Seshadri et al. teaches sending a message to the mobile handset irrespective of a location of the mobile handset as long as an event has occurred (Figure 1, 2, 8, 11; paragraph [0067]-[0072]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify An et al. to include delivering the SMS message to a designated mobile handset irrespective of a location of the mobile handset in order to facilitating notification services via a notification architecture that is highly scalable and can handle a large volume of queries with respect to a plurality of disparate subscription service providers and subscribers.

Regarding **claim 2**, An et al. further teaches a method, wherein the method further comprises: inputting to the network a computer generated message that is related to the event; and converting the computer generated message to the SMS message (Figure 1, part #300; paragraph [0041]-[0043]).

Regarding **claim 3**, An et al. further teaches a method, wherein the method further comprises: recognizing, by the network, that the computer generated message is related to an event; and accepting, by the network, the event as an input to the network (paragraph [0041]-[0043]).

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Regarding **claim 4**, An et al. further teaches a method, wherein, upon inputting of the computer generated message that is related to an event, the network automatically converts the computer generated message to a notification message in SMS form and automatically delivers the notification message in SMS form to the designated mobile handset (paragraph [0038], [0041]-[0043], [0049]).

Regarding **claim 5**, An et al. further teaches a method, wherein the event comprises: an information part; and a designation part that designates a mobile handset (paragraph [0038]-[0041], [0046]-[0047]).

Regarding **claim 6**, An et al. further teaches a method, wherein, upon inputting of the computer generated message that is related to an event, the network automatically checks the designation part for a valid mobile handset designation, and, if the mobile handset designation is valid, checks the information part for a valid event format (paragraph [0015], [0043]-[0049]).

Regarding **claim 7**, An et al. further teaches a method, wherein, upon inputting of the computer generated message, the network automatically checks the designation part for a valid mobile handset designation (paragraph [0015], [0046]-[0049]).

Regarding **claim 8**, An et al. further teaches a method, wherein, upon inputting of the computer generated message, the network automatically checks the information part for a valid event format (paragraph [0015], [0043]-[0045]).

Regarding **claim 10**, An et al. further teaches a method, wherein the method further comprises: recognizing, by the network, that the computer generated message is related to an event; and accepting, by the network, the event as an input to the network (paragraph [0041]-[0043]).

Regarding **claim 11**, An et al. further teaches a method, wherein the event comprises: an information part; and a designation part that designates a mobile handset (paragraph [0038]-[0041], [0046]-[0047]).

Regarding **claim 12**, An et al. further teaches a method, wherein, upon inputting of the computer generated message that is related to an event, the network automatically checks the designation part for a valid mobile handset designation, and, if the mobile handset designation is valid, checks the information part for a valid event format (paragraph [0015], [0043]-[0049]).

Regarding **claim 13**, An et al. further teaches a method, wherein, upon inputting of the computer generated message, the network automatically checks the designation part for a valid mobile handset designation (paragraph [0015], [0046]-[0049]).

Regarding **claim 14**, An et al. further teaches a method, wherein, upon inputting of the computer generated message, the network automatically checks the information part for a valid event format (paragraph [0015], [0043]-[0045]).

Regarding **claim 15**, An et al. further teaches a method, wherein, after inputting of the computer generated message that is related to an event, the network automatically converts the computer generated message to a notification message in SMS form and automatically delivers the notification message in SMS form to the designated mobile handset (paragraph [0038], [0041]-[0043], [0049]).

Regarding **claim 17**, An et al. further teaches a system, wherein the input module has a recognition module for recognizing that the computer generated message is related to an event; and an accepting module for accepting the event as an input to the network (paragraph [0041]-[0044]).

Regarding **claim 18**, An et al. further teaches a system, wherein the event comprises: an information part; and a designation part that designates a mobile handset (paragraph [0038]-[0041], [0046]-[0047]).

Regarding **claim 19**, An et al. further teaches a system, wherein the designation part of the event is representative of a mobile handset designation,

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and wherein the information part of the event is representative of a valid event format (paragraph [0015], [0043]-[0049]).

Regarding **claim 20**, An et al. further teaches a system, wherein, after inputting of the computer generated message that is related to an event, the network automatically converts the computer generated message to a notification message in SMS form and automatically delivers the notification message in SMS form to the designated mobile handset (paragraph [0038], [0041]-[0043], [0049]).

**3) Claims 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over An et al. (US Pub. No. 2002/0077062) and further in view of Seshadri et al. (US Pub. No. 2004/0002958).

Regarding **claims 21-23**, An et al. and Seshadri et al. further teaches receiving an event-message encapsulated in an event message format (Seshadri et al., Figure 1, 3, 8, 11), (An et al., Figure 1, 3), verifying validity of a destination mobile telephone number corresponding to the mobile handset (Seshadri et al., paragraph [0142]), (An et al. paragraph [0052]-[0053]), and converting the notification messages to a specified format (Seshadri et al.; paragraph [0093]-[0094], [0122], [0279]-[0283]), and using SMS to send the notification messages to the mobile (An et al., paragraph [0049]), (Seshadri et al., paragraph [0421]). However, An et al. and Seshadri et al. does not expressly teach the format

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having the following fields, EVENT-MESSAGE-HEADER followed by EVENT-EVENT-DESTINATION, followed by EVENT\_DETIMITER, followed by EVENT\_TEXT, followed by EVENT-TRAILER, parsing each EVENT-MESSAGE to verify the HEADER, DETIMITER, and TRAILER fields; and converting, if the mobile terminal handset supports SMS, the EVENT-MESSAGE to an SMS message. In an analogous art, Sawyer et al. teaches the format having the following fields, EVENT-MESSAGE-HEADER followed by EVENT-EVENT-DESTINATION, followed by EVENT\_DETIMITER, followed by EVENT\_TEXT, followed by EVENT-TRAILER, parsing each EVENT-MESSAGE to verify the HEADER, DETIMITER, and TRAILER fields; and converting, if the mobile terminal handset supports SMS, the EVENT-MESSAGE to an SMS message (Figure 3; col. 2, line 5 to 26; col. 3, line 47 to col. 4, line 47; col. 5, line 5 to 41; col. 6, line 43 to 55). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify An et al. and Seshadri et al. notification system in order to facilitating inter-network message communication between mobile station subscribers on a short message service supported cellular network and users of other networks which maybe connected thereto.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas T. La whose telephone number is (571)-272-8075. The examiner can normally be reached on Mon-Fri 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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06/27/2006



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